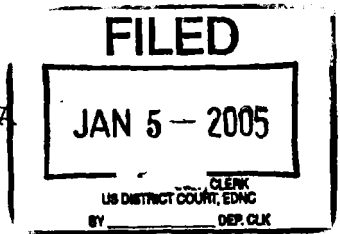


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:04-CR-211-1B0



UNITED STATES OF AMERICA

v.

DAVID A. PASSARO

:  
:  
:  
:  
:

MOTION TO SEAL

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves this Honorable Court for an Order sealing the Government's Response to Defendant's Notice of Intent to Assert Public Authority Defense and Request for Witness Information regarding the above-referenced matter, and this Motion to Seal except that the Clerk provide copies of same to the United States Attorney's Office and counsel for the defendant.

Respectfully submitted, this 3<sup>rd</sup> day of January, 2005.

FRANK D. WHITNEY  
United States Attorney

*Jim Pauli for*  
BY: JAMES A. CANDELMO  
Assistant United States Attorney  
Criminal Division

*Sealed  
Cp. dist.*

*172*